

Senate File 2326

S-5034

1 Amend Senate File 2326 as follows:

2 1. Page 1, line 5, after <state> by inserting <,>

3 2. Page 1, line 6, by striking <department.> and inserting
4 <department, against commercial motor vehicles, subject to the
5 limitations set forth in subsection 1A, and to enforce the laws
6 of the state against noncommercial motor vehicles as described
7 in subsection 1B, subject to the limitations set forth in
8 subsection 1A.>

9 3. Page 1, line 10, by striking <all laws of this state> and
10 inserting <all such laws ~~of this state~~>

11 4. Page 1, line 13, by striking <subsection> and inserting
12 <subsections>

13 5. Page 1, before line 14 by inserting:

14 <NEW SUBSECTION. 1A. An employee designated as a peace
15 officer pursuant to this section, when performing a traffic
16 stop of a motor vehicle for a speeding violation, shall do one
17 of the following:

18 a. For a speeding violation of ten miles per hour or less
19 over the legal speed limit, the employee shall not issue a
20 citation for the violation unless the person was operating the
21 commercial motor vehicle in an erratic manner.

22 b. For a speeding violation of more than ten miles per
23 hour but less than sixteen miles per hour over the legal speed
24 limit, the employee shall issue a citation for the violation,
25 but may use the employee's discretion to issue a citation for a
26 violation of ten miles per hour over the legal speed limit.

27 c. For a speeding violation of sixteen miles per hour or
28 more over the legal speed limit, the employee shall issue a
29 citation for the violation.

30 NEW SUBSECTION. 1B. An employee designated as a peace
31 officer pursuant to this section shall not perform a traffic
32 stop of a noncommercial motor vehicle unless the vehicle
33 poses an imminent danger to the public or unless the stop is
34 a result of a request for assistance by a law enforcement
35 agency or peace officer with authority to stop noncommercial

1 motor vehicles. For purposes of this subsection, *imminent*
2 *danger to the public* includes but is not limited to a motor
3 vehicle operating at excessive speed or operating in an erratic
4 manner such as weaving in and out of traffic at high speeds or
5 swerving across the traveled portion of the roadway.>

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